

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

FRANK SEARCH and ROBERT ROSE,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

MATERIAL TRANSPORT, LLC,
a domestic corporation, and
KIMBERLY M. CHERRY, an individual,

Defendants.

Docket No.: 4:18-CV-01941-RBH

PLAINTIFFS' ATTORNEYS' FEES AND COSTS AFFIDAVIT

The undersigned hereby sets forth a concise statement of the attorneys' fees and costs in this matter:

1. I serve as local counsel for Plaintiffs in this matter and, in that capacity, I have spent a total of 5.2 hours, for which I am claiming a total of \$1,300. *See* Exhibit A, attached.

2. Patrick S. Almonrode, of the law offices of Brown, LLC, has served as lead counsel on this matter, and in that capacity he and other members of his office have spent a total of 20 hours (after the exercise of billing judgment), for which his office is claiming a total of \$7,025. His office has also incurred expenses of \$578.59. *See* Exhibit B, attached.

3. Brown, LLC has a contingent fee arrangement with Plaintiffs.

4. As local counsel, my office has an arrangement under which we are to receive 10% of the fee collected by Brown, LLC.

5. I am an attorney licensed by the State of South Carolina, practicing in the federal and state courts of South Carolina for five years.

6. Mr. Almonrode is an attorney licensed by the State of New York, and practicing in the courts of that state and in various federal courts nationwide for fifteen years.

7. I affirm under penalty of perjury that the foregoing is true and correct.

Dated: January 31, 2019

Respectfully submitted,

DOUGALL & COLLINS

/s/ Michal Kalwajtys

Michal Kalwajtys (SC Bar # 100950)

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Attorneys for Plaintiffs

Frank Search and Robert Rose

EXHIBIT A

DOUGALL & COLLINSKalwajtys Timesheet – *Search and Rose v. Material Transport LLC, et al.*

7/13/18	Reviewed the complaint; converted to pdf; researched additional documents necessary for filing; attempted filing the complaint; email to Pat regarding initial disclosure and summons.	1.0
7/16/18	Converted Rule 26.01 Answers to Interrogatories; prepared Cover Sheet and Summons; filed all documents with the court electronically.	1.4
7/17/18	Email correspondence with the co-counsel regarding service of process.	0.1
8/7/18	Telephone call from the attorney for the defendants	0.1
8/7/18	Email to the co-counsel regarding defendants retaining counsel.	0.2
8/8/18	Email correspondence with the attorney for the defendants.	0.2
9/8/18	Email correspondence with co-counsel regarding status of the case.	0.2
12/17/18	Telephone conference with co-counsel regarding entry of default.	0.2
12/17/18	E-filed proofs of service with the court.	0.3
12/19/18	Email correspondence with the clerk of court regarding required corrections to filing of the proofs of service.	0.2
12/19/18	Telephone conversation with the clerk of court regarding submission of a notice of filing.	0.2
12/19/18	Drafted and e-filed a notice of filing of the proofs of service in accordance with the clerk's request.	0.3
12/22/18	Revised and converted to PDF the request for entry of default, the affidavit in support of the request for entry of default, and proposed order granting entry of default, and filed them with the court.	0.9
	TOTAL HOURS	5.2
	@ \$250	\$1,300

EXHIBIT B

BROWN, LLCTimesheet – *Search and Rose v. Material Transport LLC, et al.*

<i>Date</i>	<i>Task</i>	<i>Timekeeper</i>	<i>Rate</i>	<i>Hours</i>	<i>Amount</i>
1/30/17	TC with client (Search)	Almonrode	\$350	0.5	\$175
2/27/17	TC with client (Rose)	Almonrode	\$350	0.3	\$105
3/24/17	Status call with client (Search)	Almonrode	\$350	0.4	\$140
6/21/17	Status call with client (Search)	Almonrode	\$350	0.1	\$35
8/21/17	Lining up local counsel for demand letter; drafting same; TC with client (Search)	Almonrode	\$350	0.5	\$175
8/22/17	Mailing demand letter	Teng	\$100	0.1	\$10
9/11/17	TC to client Search (l/m); TC with John Cherry	Almonrode	\$350	0.6	\$210
10/12/17	Status call with client Search – defendant still in operation	Almonrode	\$350	0.1	\$35
6/3/18	Drafting complaint	Almonrode	\$350	2.1	\$735
6/5/18	Review of file; TCs with clients; continue drafting complaint	Almonrode	\$350	6.0	\$2,100
6/6/18	Transfer call from Rose to PA	Admin	\$50	0.1	\$5
6/6/18	Review draft complaint, send to JTB; draft second demand letter, preservation notice, and proposed tolling agreement	Almonrode	\$350	1.7	\$595
6/7/18	Finalizing demand-letter packets; sending same	Almonrode	\$350	0.6	\$210
6/21/18	Transfer call from John Cherry to PA	Admin	\$50	0.1	\$5
6/22/18	TC to John Cherry; f/u email; write-up in clio; status call with client (Rose)	Almonrode	\$350	0.7	\$245
7/13/18	EM with local attorney re filing	Almonrode	\$350	0.1	\$35
7/16/18	Draft responses to Rule 26.01 interrogatories; send same to local counsel	Almonrode	\$350	0.8	\$280
7/18/18	Arranging service of summons and complaint (Guaranteed Subpoena)	Almonrode	\$350	0.4	\$140
8/6/18	Transfer call from Rose to PA	Admin	\$50	0.1	\$5
8/8/18	Transfer call from Ben Baroody to PA	Admin	\$50	0.1	\$5

8/8/18	EM and TC w def counsel Baroody - Defendants are “virtually w/o assets,” can (maybe) offer about \$2K or default	Almonrode	\$350	0.2	\$70
9/4/18	Incoming call from Robert Rose; message sent to PA	Admin	\$50	0.1	\$5
9/4/18	Incoming call from Ben Baroody; message sent to PA	Admin	\$50	0.1	\$5
9/4/18	TCs with def counsel and client rose	Almonrode	\$350	0.3	\$105
9/6/18	TC w client Rose re trucks on defs’ property	Almonrode	\$350	0.1	\$35
9/8/18	TC with local re liens	Almonrode	\$350	0.1	\$35
10/11/18	TC with local re filing proofs-of-service; sending same to local	Almonrode	\$350	0.2	\$70
11/1/18	Status update with JTB (file review)	Almonrode	\$350	0.1	\$35
11/1/18	File review with PA	Brown	\$500	0.1	\$50
11/20/18	Msg from Robert Rose	Admin	\$50	0.1	\$5
11/30/18	Status call with client (Rose)	Almonrode	\$350	0.1	\$35
12/12/18	Status call with client (Rose)	Almonrode	\$350	0.1	\$35
12/17/18	Draft papers for entry of default; TCs w local re same	Almonrode	\$350	1.6	\$560
12/20/18	Research re “made certain by calculation”; revise default docs and send to local for filing	Almonrode	\$350	1.1	\$385
1/6/19	Review file; contact clients re estimated damages (l/m for Search)	Almonrode	\$350	0.6	\$210
1/7/19	TC to client Search re estimated damages	Almonrode	\$350	0.2	\$70
1/8/19	TC with client Search re new email address	Almonrode	\$350	0.1	\$35
1/14/19	EM to client Rose re estimated damages	Almonrode	\$350	0.1	\$35
	TOTAL FEES				\$7,025

<i>Date</i>	<i>Expense note</i>				<i>Amount</i>
6/7/18	Demand letters sent to two addresses via USPS Priority Mail				\$13.10
7/19/18	Complaint filing fee plus cost of e-check to local counsel				\$400.50
8/20/18	Service of subpoena (Guaranteed Subpoena Service)				\$164.99
	TOTAL EXPENSES				\$578.59